UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/RES/45/98
22 January 1991

Forty-fifth session
Agenda item 94

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/45/750)]

45/98. Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States

The General Assembly,

Recalling its resolutions 41/132 of 4 December 1986 and 43/123 of 8 December 1988,

Reaffirming the right of States and their peoples freely to choose and develop their political, social, economic and cultural systems and to determine their laws and regulations,

Recognizing the value of constructive dialogue in the national context on the ways and means by which States can promote the full enjoyment of the right of everyone to own property alone as well as in association with others,

Recognizing also in this context the importance of enabling everyone to acquire property, alone or in association with others, by taking practical actions that assist the economic development of developing countries,

Convinced that the right of everyone to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights, 1/ and as reaffirmed in paragraph 4 of the Declaration on the Rights

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1/ Resolution 217 A (III).

of Disabled Persons 2/ and in article 16, paragraph 1 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, 3/ is of particular significance in fostering widespread enjoyment of other basic human rights and contributes to securing the goals of economic and social development enshrined in the Charter of the United Nations,

Reaffirming, in accordance with article 29 of the Universal Declaration of Human Rights, that, in the exercise of his or her rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition of and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society,

Taking note of the report of the Secretary-General on respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States, 4/

1. Recognizes that there exist in Member States many forms of legal property ownership, including private, communal, social and state forms, each of which should contribute to ensuring effective development and utilization of human resources by establishing sound bases for political, economic and social justice;

2. Affirms, in accordance with article 30 of the Universal Declaration of Human Rights, that nothing in the Declaration, including the right of everyone to own property alone as well as in association with others, may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms proclaimed therein;

3. Considers that further measures may be appropriate at the national level, consistent with national policies, to ensure respect for the right of everyone to own property alone as well as in association with others and the right not to be arbitrarily deprived of one's property, as set forth in article 17 of the Universal Declaration of Human Rights, so as to protect and preserve these rights in relation to the following types of property:

(a) Personal property, including the residence of one's self and family;

(b) Economically productive property, including property associated with agriculture, commerce and industry;

2/ Resolution 3447 (XXX).

3/ Resolution 34/180, annex.

4/ A/45/523.

4. Urges States, therefore, in accordance with their respective constitutional systems and the Universal Declaration of Human Rights, to provide, where they have not done so, adequate constitutional and legal provisions to protect the right of everyone to own property alone as well as in association with others and the right not to be arbitrarily deprived of one's property;

5. Requests the Commission on Human Rights, while addressing the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, 5/ to consider the means whereby and the degree to which respect for the right to own property alone as well as in association with others contributes to the development of individual liberty and initiative, which serve to foster, strengthen and enhance the exercise of other human rights and fundamental freedoms;

6. Decides to consider this question at its forty-seventh session under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

68th plenary meeting
14 December 1990

5/ See resolution 2200 A (XXI), annex.